

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOILERMAKERS NATIONAL ANNUITY
TRUST FUND, on behalf of itself and all
others similarly situated,

Plaintiff,

v.

WAMU MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2006-AR1, et al.,

Defendants.

NO. 2:09-cv-00037-MJP

**STIPULATION, AGREED MOTION
AND [PROPOSED] ORDER
MODIFYING BRIEFING SCHEDULE
ON DEFENDANTS' PENDING
MOTIONS TO DISMISS; AND
WITHDRAWING LEAD PLAINTIFF'S
MOTION TO AMEND THE
CONSOLIDATED COMPLAINT**

**Noted on Motion Calendar:
March 4, 2010**

NEW ORLEANS EMPLOYEES'
RETIREMENT SYSTEM, et al., individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, et al.,

Defendants.

No. 2:09-cv-00134-RSM

STIPULATION, AGREED MOTION AND [PROPOSED]
ORDER

(NO. 2:09-CV-0037-MJP) - 1
4898/001/232709.1

I. STIPULATION AND AGREED MOTION

In the interest of litigating this action and *Doral Bank Puerto Rico v. Washington Mutual Asset Acceptance Corp., et al*, Case No. 09-cv-01557(MJP) (the “*Doral Action*”), the parties, pursuant to Local Rule 7(d)(1) and 10(g), jointly request the Court extend the deadlines for Defendants to respond to Lead Plaintiff’s current Motion to Amend the Complaint (Dkt. No. 152) and for Lead Plaintiff to respond to Defendants’ pending Motions to Dismiss (Dkt. Nos. 138, 144, and 146) and modify the scheduling order in this case as follows:

(1) Plaintiff’s current Motion to Amend the Complaint, noted for March 5, 2010 (Dkt. No. 152), is withdrawn without prejudice.

(2) Any motion to consolidate this action with the *Doral Action* (the “Motion to Consolidate”) will be filed within 14 days after the Court rules on the Motions for Appointment of Lead Plaintiff in the *Doral Action*.

(3) Lead Plaintiff in this action will file a motion to amend the Consolidated Class Action Complaint that attaches the proposed amended complaint (the “Motion to Amend”), within thirty (30) days after the Court rules on the Motion to Consolidate;

(4) Within thirty (30) days after the Court rules on the Motion to Amend, either
(a) if the Motion to Amend is granted, Defendants will answer or otherwise respond to the amended consolidated complaint and their pending Motions to Dismiss (Dkt. Nos. 138, 144, and 146) will be withdrawn as moot; or

(b) if the Motion to Amend is denied, Lead Plaintiff in this action will respond to Defendants’ pending Motions to Dismiss.

(5) If the Court does not grant this joint motion, Plaintiff’s current Motion to Amend the Complaint will be re-noted, and Defendants will respond to it in accordance with the Court’s Local Rules.

The Parties agree that this request for extension is justified in light of the upcoming March 18, 2010 hearing on appointment of a lead plaintiff in the *Doral Action* and by Lead

STIPULATION, AGREED MOTION AND [PROPOSED]

ORDER

(NO. 2:09-CV-0037-MJP) - 2

4898/001/232709.1

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1 Plaintiff's desire to move to amend the complaint in this action with a proposed amended
2 complaint attached to such motion.

3 Respectfully submitted this 4th day of March by:

4
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STIPULATION, AGREED MOTION AND [PROPOSED]
ORDER

(NO. 2:09-CV-0037-MJP) - 3

4898/001/232709.1

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STIPULATION, AGREED MOTION AND [PROPOSED]

ORDER

(NO. 2:09-CV-0037-MJP) - 4
4898/001/232709.1

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II. [PROPOSED] ORDER

IT IS SO ORDERED.

Dated this ____ day of March, 2010.

The Honorable Marsha J. Pechman
United States District Court Judge

STIPULATION, AGREED MOTION AND [PROPOSED]
ORDER

(NO. 2:09-CV-0037-MJP) - 5
4898/001/232709.1

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record and additional persons listed below.

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STIPULATION, AGREED MOTION AND [PROPOSED]
ORDER

(NO. 2:09-CV-0037-MJP) - 6
4898/001/232709.1

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STIPULATION, AGREED MOTION AND [PROPOSED]
ORDER
(NO. 2:09-CV-0037-MJP) - 3
4898/001/232709.1

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STIPULATION, AGREED MOTION AND [PROPOSED]
ORDER
(NO. 2:09-CV-0037-MJP) - 8
4898/001/232709.1

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